

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CHYENNE SIMPSON,
RICKIE FOY; and
PIERRE HARVEY

CASE NUMBER: 20 CR 268

FILED

JUN 04 2020

MAGISTRATE JUDGE
GABRIELA FUENTES

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about June 1, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, the defendants violated:

Code Section

Title 18, United States Code, Section 371

Offense Description

conspired with each other, and with others unknown, to commit an offense against the United States, namely, bank theft, in violation of Title 18, United States Code, Section 2113(b).

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Amanda E. Becker by JAF

AMANDA E. BECKER
Special Agent, Federal Bureau of Investigation
(FBI)

(Telephonically per Rule 4.1)

Pursuant to Fed. R. Crim. P. 4.1, this complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: June 4, 2020

J A F

Judge's signature

City and state: Chicago, Illinois

GABRIEL A. FUENTES, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, AMANDA E. BECKER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed for almost eight years. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, and the apprehension of violent fugitives.

2. This affidavit is submitted in support of a criminal complaint alleging that CHYENNE SIMPSON, RICKIE FOY, and PIERRE HARVEY have conspired with each other, and with others unknown, to commit bank theft, in violation of Title 18, United States Code, Section 2113(b), all in violation Title 18, United States Code, Section 371.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging SIMPSON, FOY, and HARVEY with conspiracy, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

4. The information set forth in this Affidavit is based on multiple sources, including but not limited to, my personal knowledge, my review of documents and

reports related to this investigation, my review of surveillance video recordings related to this investigation, and information conveyed to me by other local and federal law enforcement officers.

The June 1, 2020 Attempted Theft of the Bank of America ATM

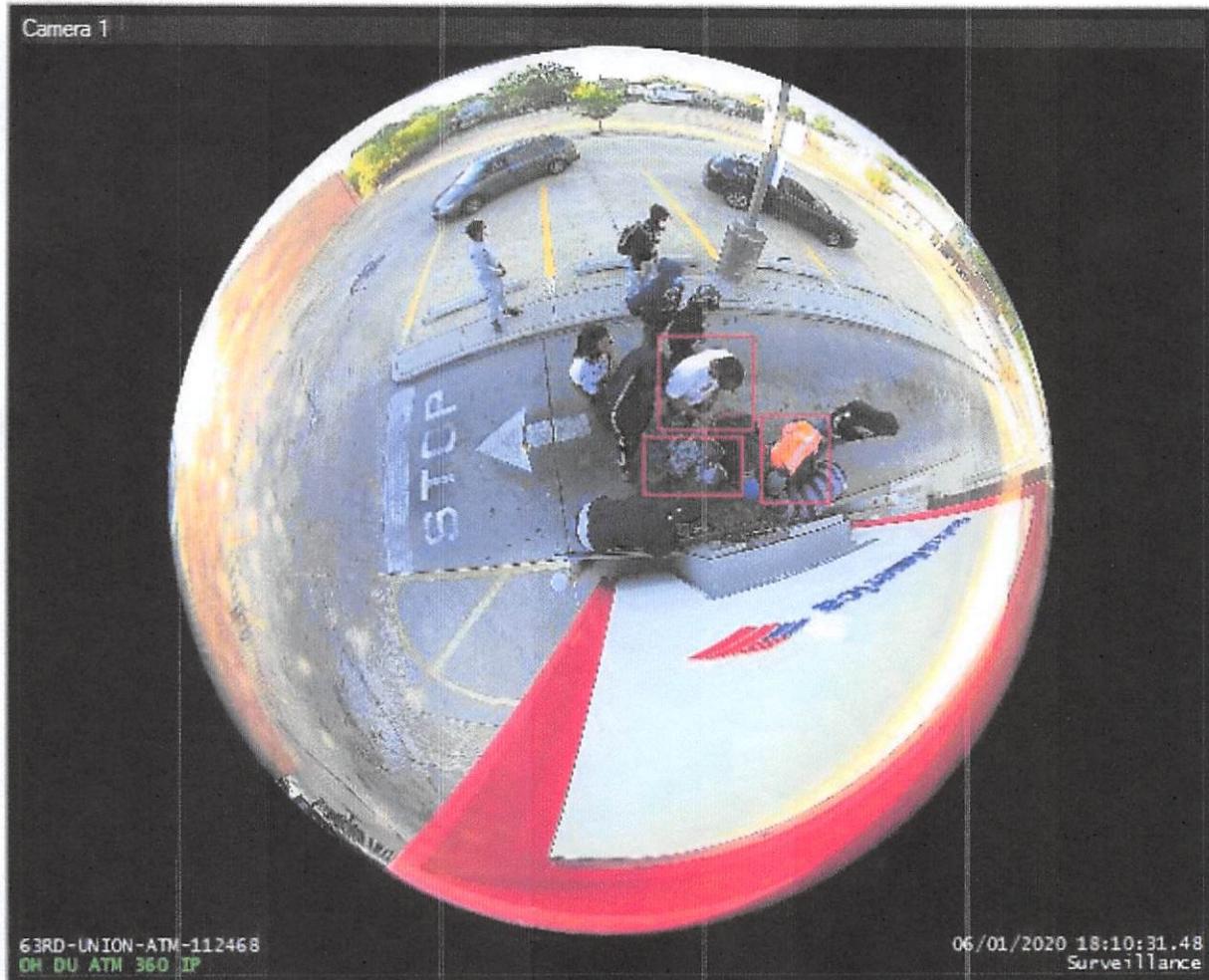
5. On or about June 1, 2020, beginning at approximately 7:10 p.m., a group of individuals attempted to steal U.S. currency located in the drive-through Bank of America ATM located at 620 West 63rd Street, Chicago, Illinois, (the “Bank of America ATM”). SIMPSON, FOY, and HARVEY were later identified through the investigation described below as three of the individuals conspiring with each other, and with others unknown, to break into the ATM in order to take and carry away money belonging to, or in the care, custody, control, management, or possession of Bank of America, the deposits of which were then insured by the Federal Deposit Insurance Corporation (“FDIC”), in violation of Title 18, United States Code, Section 2113(b).

6. Below is a Google Maps image of the Bank of America ATM:



7. The Bank of America ATM was equipped with surveillance video on June 1, 2020, which law enforcement has obtained. That video shows a group of individuals surrounding the Bank of America ATM at approximately 7:10 p.m.¹ The group includes an individual with short dark hair and a white t-shirt, (later identified as SIMPSON); an individual with an orange reflective vest and gray hat, later identified as FOY; and an individual with a black-and-gray camouflage hoodie, later identified as HARVEY. Below is a still image taken from the surveillance video showing SIMPSON, FOY and HARVEY leaning towards the Bank of America ATM.

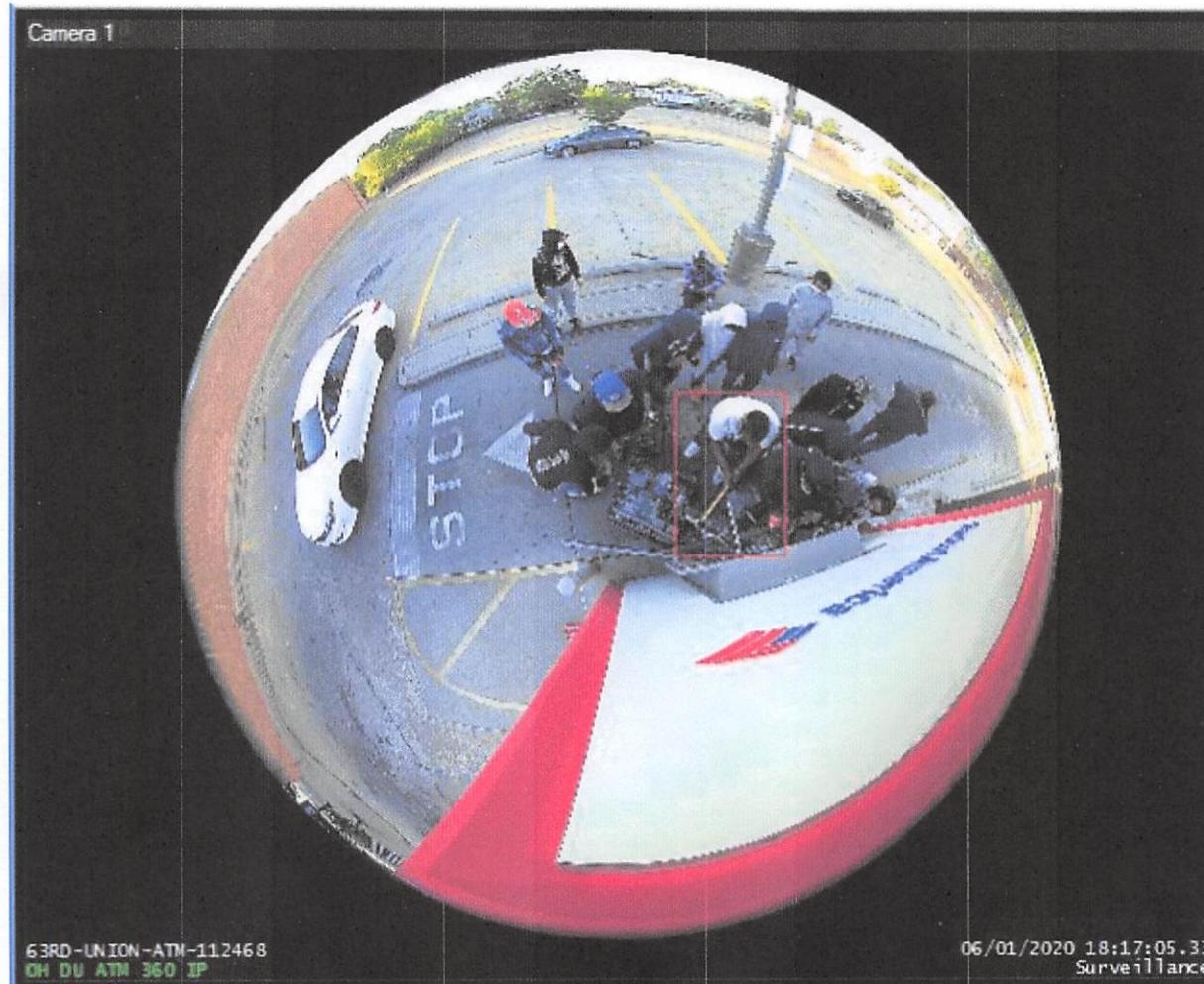
¹ According to Bank of America personnel, the time-stamp on the bottom right of the surveillance video is an hour earlier than the actual time.



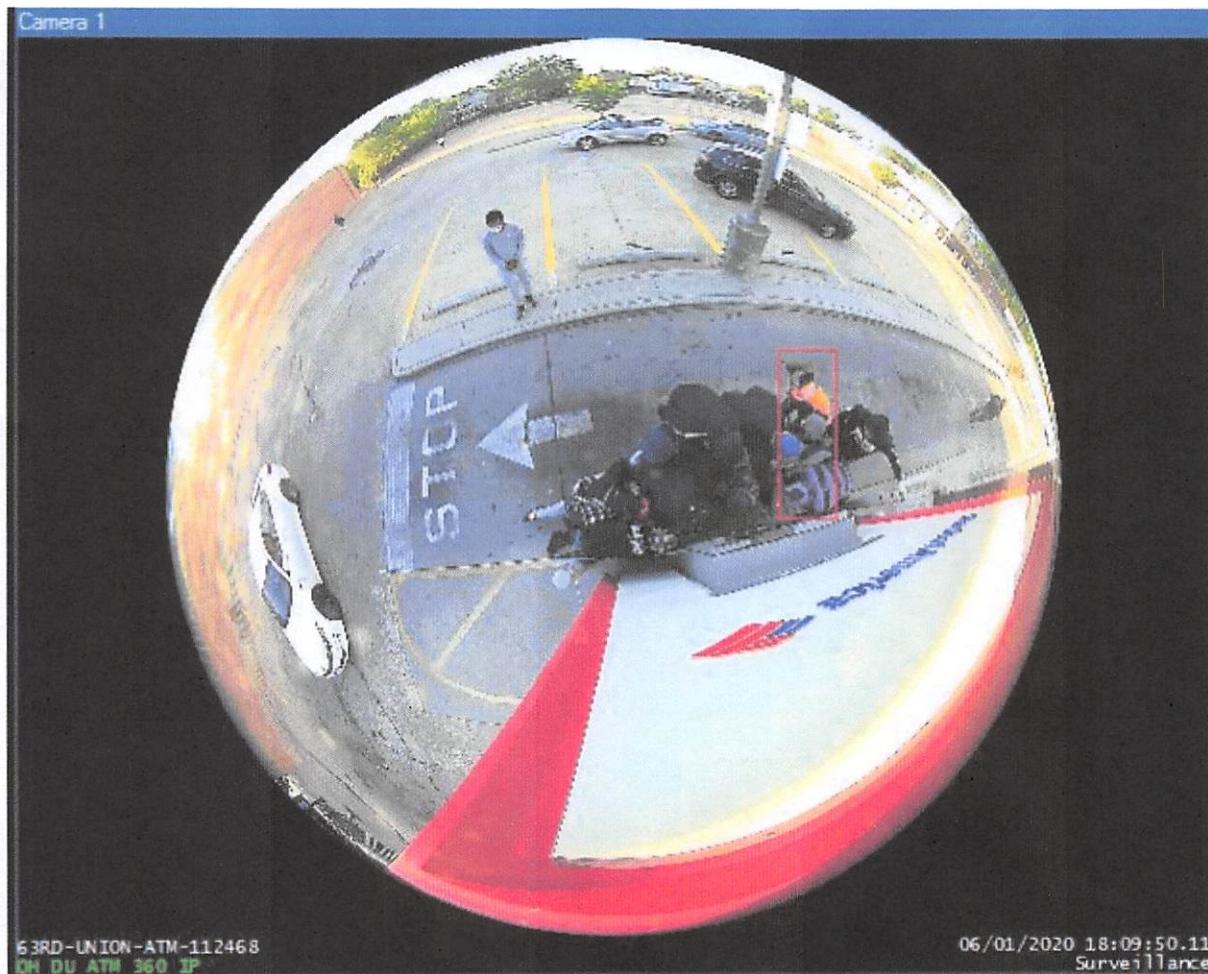
8. Over the next approximately eight minutes, SIMPSON, FOY, and HARVEY conspired with each other, and with others unknown, to forcibly remove the Bank of America ATM from its enclosure, and attempt to steal from the ATM the cash inside. In furtherance of, and to effect the object of, the conspiracy, SIMPSON, FOY and HARVEY committed and caused overt acts as described below.

9. The ATM surveillance video captures individuals in the group working together attempting to access the U.S. currency in the Bank of America ATM. The video captures SIMPSON taking actions to help the group access the Bank of America ATM. Below is a still image taken from the surveillance video showing SIMPSON

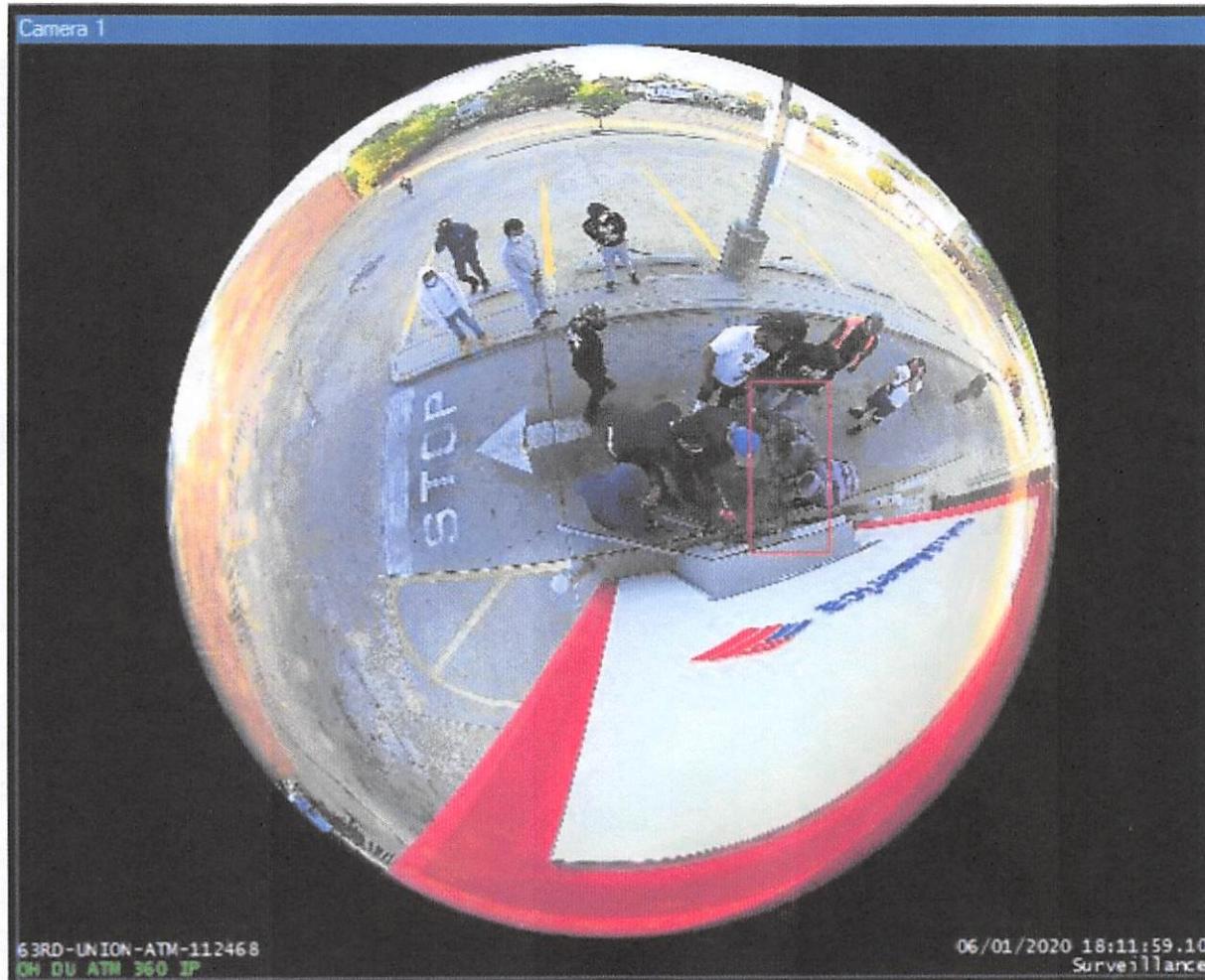
attempting to access the Bank of America ATM using what appears to be a yellow crowbar, which was also used by other individuals during the incident.



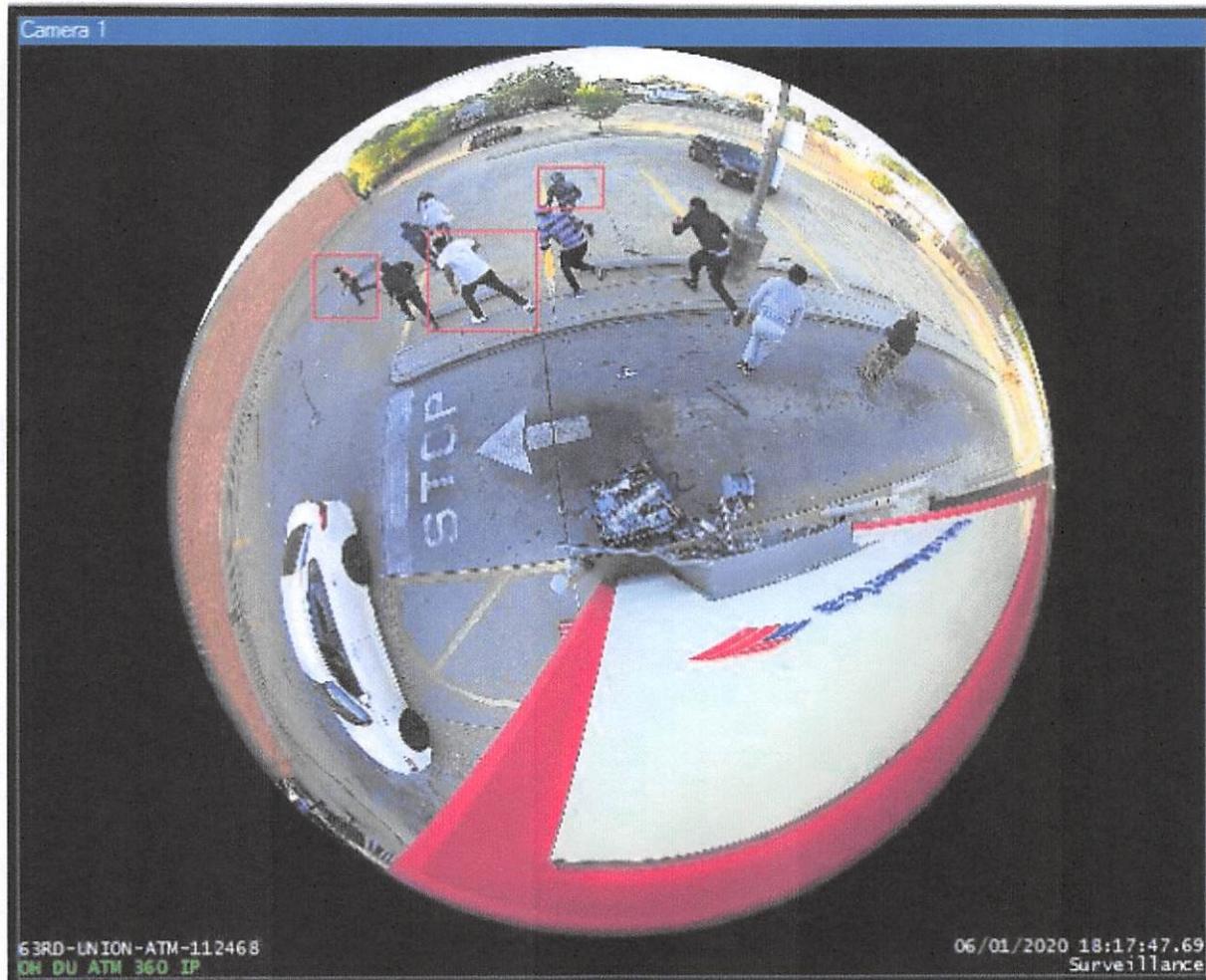
10. The video also captures FOY taking actions to help the group access the Bank of America ATM. Below is a still image take from the surveillance video showing FOY attempting to access the Bank of America ATM using what appears to be a rod, which was also used by other individuals during the incident.



11. The video also captures HARVEY taking actions to help the group access the Bank of America ATM. Below is a still image taken from the surveillance video showing HARVEY attempting to access the Bank of America ATM using what appears to be a rod, which was also used by other individuals during the incident.



12. According to police reports, the Chicago Police Department (“CPD”) received calls indicating that the Bank of America ATM was being looted and/or damaged. CPD officers later arrived at the location of the Bank of America ATM. According to the time indicated on the body-worn cameras of the responding officers, CPD officers arrived at the scene at approximately 7:18 p.m. The below still image taken from the ATM surveillance video captures SIMPSON, FOY and HARVEY running away from the Bank of America ATM at around the same time.

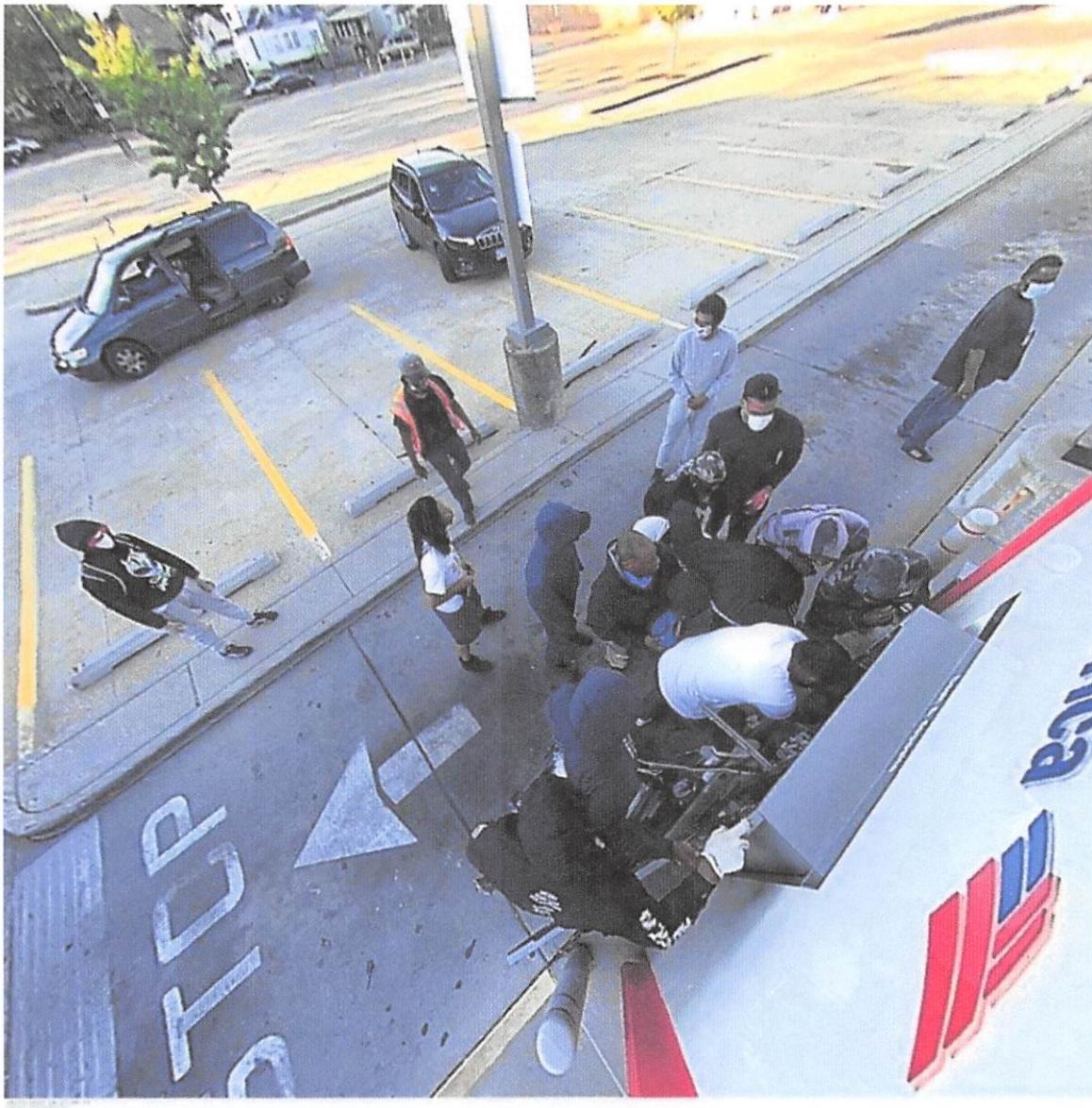


13. According to Bank of America records, the Bank of America ATM was vandalized on May 31, 2020. The Bank of America ATM had approximately \$15,850 in \$10 bills, \$19,100 in \$20 bills, \$156,500 in \$100 bills, and deposits of \$86,174.66 when it was vandalized. After the Bank of America ATM was vandalized, it was taken out of service, but that amount of U.S. currency remained in the ATM. Bank of America's records indicate that no U.S. currency was removed from the Bank of America ATM during the attempted theft on June 1, 2020. According to FDIC records, Bank of America was insured by the FDIC on June 1, 2020.

SIMPSON, FOY, and HARVEY are Arrested by CPD

14. According to CPD reports, after being pursued by foot, SIMPSON, FOY, and HARVEY were arrested by the responding CPD officers within minutes of arriving on the scene. All three were then taken to a local police station for further processing. Police records indicate that after being apprehended and confronted with his involvement in the above-described incident, HARVEY stated in effect, "I'm guilty for being over there."

15. According to CPD reports, Bank of America provided CPD officers with still images of the attempted robbery of the ATM. Below are the still images provided to CPD:









16. CPD officers reviewed the images and recognized SIMPSON, FOY, and HARVEY as being involved in various capacities in attempting to access the Bank of America ATM.

17. Based on my review of the Bank of America ATM's surveillance video, the available CPD body-worn camera footage, and the still images Bank of America

provided to CPD, I believe the distinctive clothing and overall physical appearance of SIMPSON, FOY, and HARVEY are consistent with the distinctive clothing and overall physical appearance of three individuals involved in various capacities in attempting to access the Bank of America ATM.

SIMPSON, FOY, and HARVEY are Interviewed by CPD

18. After SIMPSON was read his *Miranda* rights, SIMPSON was interviewed by law enforcement. The interview is audio and video recorded. When questioned about the attempted theft of the Bank of America ATM, SIMPSON indicated in effect that he was just at the scene trying to see what was going on, and did not get “real close” to the Bank of America ATM. SIMPSON also suggested that he did not know any of the individuals surrounding the Bank of America ATM.

19. After FOY was read his *Miranda* rights, FOY was interviewed by law enforcement. The interview is audio and video recorded. FOY stated in effect that he saw a “crowd was trying to get into the ATM machine,” but did not get close enough to touch the Bank of America ATM. FOY also stated in effect that he “basically told them the police was coming.” FOY also suggested that he did not know any of the individuals surrounding the Bank of America ATM. After being shown a still image of the incident, FOY requested counsel. The interview then ended.

20. After HARVEY was read his *Miranda* rights, HARVEY was interviewed by law enforcement. The interview is audio and video recorded. HARVEY stated in effect that he was at the “wrong place, wrong time, man” and saw “a lot of people” at the ATM trying to “open it,” including with a hammer and crowbar. HARVEY stated

in effect that he was walking through the parking lot where the Bank of America ATM is located. HARVEY was then asked how close he got to the Bank of America ATM, and he responded by requesting counsel. The interview then ended.

Conclusion

21. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that, on or about June 1, 2020, CHYENNE SIMPSON, RICKIE FOY, and PIERRE HARVEY, conspired with each other, and with others unknown, to take and carry away money belonging to, or in the care, custody, control, management, or possession of Bank of America, 620 West 63rd Street, Chicago, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(b), all in violation of Title 18, United States Code, Section 371.

FURTHER AFFIANT SAYETH NOT.

Amanda E. Becker by 972
AMANDA E. BECKER
Special Agent
Federal Bureau of Investigation
(Telephonically per Rule 4.1)

Subscribed and sworn to telephonically
this 4th day of June, 2020

GABRIEL A. FUENTES
Honorable GABRIEL A. FUENTES
United States Magistrate Judge